

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Amendments to claims 1 and 13 are supported in the specification as originally filed, for example in figure 2. Amendments to claims 5 and 17 are supported in the specification as filed, for example at paragraphs 42-43 and 54. Amendments to claims 10-11 are supported in specification as filed, for example at paragraph 52. No new matter is being added by any of the present amendments.

Claims 1-3, 5, 9, 13-15, 17 and 19-20 are patentable over *Todokoro* (US 5,939,720, hereinafter, "*Todokoro I*".)

Todokoro I fails to teach or suggest "deflecting the primary electron beam away from the optical axis upstream of an inner lens detector and back to propagating along the optical axis downstream of the inner lens detector, so that the primary electron beam propagates around the inner lens detector, said upstream and downstream locations each defined with respect to a direction of a propagation of the primary beam", as recited in claim 1. With respect to figure 12 of *Todokoro I*, if detector assembly (elements 60, 64, 65, 71) were interpreted as an inner lens detector, the primary electron beam clearly propagates through and not around the inner lens detector.

If detector assembly (69, 70) were interpreted as an inner lens detector, all features of claim 1 are likewise not present in *Todokoro I*. Detector assembly (69, 70) is associated with what appears to be a deflection unit (66a, 66b, 67, 68). While such deflection unit is not explicitly described, deflection unit (66a, 66b, 67, 68) appears identical to deflection unit 101, and thus would be expected to maintain the straightness of the electron beam, just like deflection unit 101. See, e.g., *Todokoro I*, 5.16-35. Such teachings of *Todokoro I* fail to teach or suggest the series of deflections recited in the above-mentioned feature of claim 1, and if anything teach away from same. For at least the foregoing reasons, claim 1 and its dependent claims are patentable over *Todokoro I*. Claim 13 recites features similar to those recited in claim 1. Therefore, claim 13 and its dependent claims are likewise patentable over *Todokoro I*.

Claims 10-11 are patentable over *Todokoro I* in view of *Todokoro et al. (US 6,084,238, hereinafter "Todokoro II")*.

Todokoro II is cited for teaching various features of the dependent claims. Even if this is so, *Todokoro II* fails to cure the above-mentioned deficiencies of *Todokoro I* with respect to

claim 1. Therefore, claim 1 and its dependent claims (including claims 10-11) remain patentable over *Todokoro I*, even in view of *Todokoro II*.

Claims 4, 12 and 21 are patentable over *Todokoro I* in view of *Todokoro et al. (US 6,635,873, hereinafter “Todokoro HF”)*.

Todokoro III is cited for teaching various features of the dependent claims. Even if this is so, *Todokoro III* fails to cure the above-mentioned deficiencies of *Todokoro I* with respect to claims 1 and 13. Therefore, claim 1 and its dependent claims (including claims 4 and 12) and claim 13 and its dependent claims (including claim 21) remain patentable over *Todokoro I*, even in view of *Todokoro III*.

For at least the foregoing reasons, the present claims are patentable over the cited references. If there are any additional charges due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,
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